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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/467,721 | 12/20/1999 | KENDYL A. ROMAN | | 2729 |

7590 01/29/2004

KENDYL A ROMAN
730 BANTRY COURT
SUNNYVALE, CA 940873402

EXAMINER

AN, SHAWN S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2613

DATE MAILED: 01/29/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/467,721

Applicant(s)

ROMAN, KENDYL A.

Examiner

Shawn S An

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 16-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Restriction/Election

1. Applicant elects without traverse, the distinct compressing machine specie which reads on claims 11-15.

The requirement is deemed proper and is therefore made **FINAL**.

Response to Amendment

2. As per Applicant's instructions in Paper 10 as filed on 10/2/03, claim 11 has been amended.

Response to Remark

3. Applicant's arguments filed 3/31/03 with respect to claims 11-15 have been considered but are moot in view of the new ground(s) of rejection using the same references incorporated in the Official action filed 9/26/02.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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5. Claims 11-12 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Agarwal (5,812,788).

Regarding claims 11, 14, and 15, Agarwal discloses a machine for compressing video frames, comprising:

a video digitizer (Fig. 1, 102) for digitizing a frame from the video frames;

a video memory (104) for receiving a plurality of pixels from the video digitizer;

an encoding circuit (Fig. 5) for counting repeated instances of a pixel value comprising a number of pixel bits sub-sampled from each pixel (col. 6, lines 49-54) when scanning the plurality of pixels (Fig. 6, 610) and outputting a series of encoded data comprising a combined run-length field and a data field (Fig. 6, 610; col. 9, lines 46-58);

a memory for storing encoded data (Fig. 1, 120); and

input/output devices, which are storage medium (Fig. 1, 112) and a communications transmission channel (Fig. 1, 118).

Note: the Examiner considers the recited limitation "counting repeated instances of a pixel value" an inherent feature associated with the scanning pixels, such as run-length encoder.

Regarding claim 12, Agarwal discloses selecting one of a set of 3, 4, 5, 8, 9, 12, 15, 16, and 24 as the number of pixel bits (col. 4, lines 10-15).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal as applied to claim 11 above, and further in view of Frederiksen (4,743,959).

Regarding claim 13, Agarwal does not specifically disclose the pixel bits being extracted from the most significant bits of each color component.

However, Frederiksen teaches the pixel bits being extracted from the most significant bits of each color component (col. 7, lines 58-62) for filtering out noises which may happen in a low ordered bits.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method/apparatus for compressing graphic images as taught by Agarwal to incorporate the well known concept of the pixel bits being extracted from the most significant bits of each color component as taught by Frederiksen for filtering out noises which may happen in a low ordered bits.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday through Friday .



SSA

SHAWN S. AN
PATENT EXAMINER

Primary Patent Examiner

January 25, 2004